

Consideration for preliminary adoption of amendments to 312 IAC 8-2-6, and to make a corresponding reference change to a nonrule policy document for “Horses on DNR Properties”, to make the requirement for horse tagging on DNR Properties apply year-round; Administrative Cause Nos. 10-202F and 11-022F

Annual Horse Tags (\$20) are available from the Indiana Department of Natural Resources by visiting any DNR property where horse use is allowed. This permit is good for the entire calendar year, and, by rule must be in the user’s possession when bringing horses onto DNR lands. For occasional horse use, visitors may opt to purchase a daily tag for \$5 at the DNR property. While the Annual Permit is good for the entire year, 312 IAC 8-2-6 now only requires a tag or daily permit from April 1st to November 30th. The limited time-frame is also referenced in a nonrule policy document entitled “Horses on DNR Properties”.

DNR is seeking an amendment to 312 IAC 8-2-6 to require horse tag use for the full calendar year as set forth in Exhibit A. The amendment is sought because of increased year long horse use on DNR properties, increased trail impacts, and increased expenses to maintain horse facilities on DNR properties. Annual Horse Tag holders are not impacted by this change since their tag is already valid all year. DNR seeks a corresponding change to language in “Horses on DNR Properties” as set forth in Exhibit B. The latter change would be contingent upon the proposed amendments to 312 IAC 8-2-6 becoming effective and would be presented to the Legislative Services Agency as soon as practicable following the effective date. DNR requests the Natural Resources Commission give preliminary adoption to these proposed amendments.

EXHIBIT A

Horse Tag Full Year
Administrative Cause No. 10-202F
December 2, 2010

312 IAC 8-2-6 Animals brought to DNR properties

Authority: IC 14-10-2-1; IC 14-10-2-4; IC 14-11-2-1

Affected: IC 14; IC 35-46-3-11.5

Sec. 6. (a) A person who possesses a pet or service animal must:

- (1) keep the animal caged or on a leash not more than six (6) feet long; and
- (2) attend the animal at all times.

This subsection does not apply to activities governed by section 3(e) of this rule.

(b) If a pet or service animal appears likely to:

- (1) endanger a person or property; or
- (2) create a nuisance;

the owner may be required to immediately remove the pet or service animal from a DNR property.

(c) A person must not take or possess a cat, a dog, or other pet to a:

- (1) swimming beach;
- (2) swimming pool enclosure;
- (3) rental facility; or
- (4) public building.

A service animal used by a person with a disability is exempted from this subsection.

(d) A person must acquire an annual or daily horse tag or receipt for each horse that is brought into a designated DNR property ~~from April 1 through November 30~~. The tag or receipt must be:

- (1) kept in the person's immediate possession; and
- (2) provided to an authorized representative upon request.

(e) A person must not do the following:

- (1) Allow livestock or domesticated animals to enter or remain upon a DNR property.

These animals may be removed by the department and disposed or held at the owner's expense.

(2) Release an animal on DNR property except under license issued by an authorized representative under this subdivision.

To receive a license, a person must demonstrate the animal is healthy and unlikely to endanger public safety or the environment. A person in violation of this subdivision shall reimburse the department for any expenses reasonably incurred.

(f) For purposes of this section, a pet is not a service animal under IC 35-46-3-11.5. (*Natural Resources Commission; 312 IAC 8-2-6; filed Oct 28, 1998, 3:32 p.m.: 22 IR 741, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 554, eff Jan 1, 2000; filed Nov 30, 2001, 10:55 a.m.: 25 IR 1074, eff Jan 1, 2002; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3715; filed Sep 19, 2003, 8:14 a.m.: 27 IR 457; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; filed Jun 29, 2007, 2:32 p.m.: 20070725-IR-312060333FRA; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA*)

EXHIBIT B

Horse Tag Amendments to NPD
Administrative Cause No. 11-022F

NATURAL RESOURCES COMMISSION Information Bulletin #47 (~~First~~ Second Amendment)

SUBJECT: Horses on DNR Properties

1. PURPOSE

Horseback riding is an appropriate recreational use on trails at designated DNR properties. Horseback trails are constructed and maintained according to agency standards and are located so they do not unacceptably alter natural resources or other recreational opportunities.

This information bulletin defines policies governing the recreational use of horses on DNR properties. The purpose is to help assure the application of fiscally and ecologically sound decision making in property management. The information bulletin is supportive of [312 IAC 8](#).

2. DEFINITIONS

The definitions contained in [312 IAC 8-1-4](#) apply to this information bulletin. The term "horse" includes a horse, mule, pony, equine, llama, or other hoofed animal ridden or driven as a pack animal.

3. HISTORY

The recreational use of horses on DNR properties is as old as DNR property management. A majority of the trail system was established in the early 1930s when horses were the primary source of transportation in much of rural Indiana. Recreational trail riding grew from this early transportation system. For several decades, recreational horse use was limited to a small number of local residents, and there were few agency policies. This informal approach led to problems and inconsistencies.

In recent years, the number and variety of recreational horse users has increased substantially. Rules and formal policies have sought to provide all users with an enjoyable recreational experience while protecting natural resources. The Natural Resources Commission approved a policy statement in 1994.

The statement was amended during the commission's February 21, 1996, meeting with approval of the "Policy Guidelines for Recreational Horse Use".

In 2004, the Commission approved Information Bulletin #47 (published in the Indiana Register at 28 IR 1377), which superseded the 1996 guidelines, and became effective January 1, 2005. The information bulletin is amended to include a daily horse-use tag, and supersedes the previous information bulletin published at 28 IR 1377.

4. POLICY DEVELOPMENT

The following steps were used in developing this information bulletin:

- Determine the issues.
- Seek input from affected persons.
- Develop fiscally and ecologically sound ways to address the issues.
- Provide a framework for two-way communications and cooperation between DNR property managers and property users.
- Implement the policy

- Periodically review and evaluate the policy.

A horse use opinion survey was conducted during the summer of 1993 to solicit information from a cross section of interested persons. A wide spectrum of people was asked to participate in the survey. Included were horse users, non-horse users, resource professionals, property neighbors, and local and statewide interest groups.

The survey included 53 questions, and an opportunity was provided to offer general comments. Of 764 surveys distributed, 291 were completed and returned. Survey results were used to identify, consolidate, and prioritize issues. The survey also helped establish a communications framework between interested persons and the DNR. The framework has proven helpful to implementing a uniform policy.

5. POLICY STATEMENTS

A. Horse-Drawn Vehicles

A horse-drawn vehicle may be operated on a public road or on a road or trail designated for this use. A horse-drawn vehicle used on a DNR property must meet safety standards for slow-moving vehicles on a state highway. Horses must be tagged as provided in [312 IAC 8-2-6](#). The operator must have prior approval from the DNR to livery or use for hire a horse-drawn vehicle on a DNR property. The DNR shall exclude horse-drawn vehicles from areas open to motorized vehicles if the presence of a horse would violate a public health or safety law.

B. Horse Campgrounds

The establishment and operation of a horse campground shall comply with [312 IAC 8](#), and with the "DNR Horse Trail and Horse Campground Standards Manual". Horse campgrounds are limited to persons camping with horses. Camping with horses is limited to areas designated as horse campgrounds.

A person keeping horses in a horse campground must collect and place horse manure at a designated collection site. Horses may be washed only at stations designated for this purpose. A person must not wash a horse at a drinking water fixture, waste dumping station, stream, pond, or lake.

C. Trail Density and Equine Carrying Capacity

To protect natural resources and recreational values, the density of horse trails on DNR properties is limited as follows:

High Density Trail Area: Except on a special concern area, within one mile of a horse campground or a day-use area, the maximum density is 4.5 miles of trail per square mile (640 acres) of state ownership.

Low Density Trail Area: Except on a special concern area, for an area outside a high density trail area, the maximum trail density is 2.5 miles of trail per square mile (640 acres) of state ownership.

Special Concern Area: A special concern area is an area designated by the property manager with approval by the division director. Examples of qualification for a special concern area include:

- A dedicated nature preserve.
- A designated old forest.
- Developed non-horse recreation.
- Location within 500 feet of a known cave entrance.
- A noncontiguous tract of less than 640 acres.
- Lack of legal access.
- The conduct of sensitive research activities.
- The presence of an extreme slope.
- Conditions subject to erosion.

Designation as a special concern area does not prohibit a trail, but a trail will require additional care and expense in construction and maintenance. Trail mileage shall be minimized.

Equine carrying capacity is the maximum number of horses allowed to use a DNR property at any time. The capacity is determined by multiplying the total miles of designated horse trails on a property by ten. See Appendix A for further information.

D. Animal Health Requirements

The owner of an animal brought onto a DNR property is solely responsible for each of the following:

- Providing proof of required vaccinations and applicable health statements under [345 IAC 6-1.1](#) and [345 IAC 7-5](#) before entrance.
- The humane treatment of any animal.
- The procurement and payment for any veterinary services.
- The payment of any expense for the removal of injured or dead animals.

E. Horseback Access to a DNR Property

Access to a DNR property by horseback is limited to a designated public entrance. A public entrance is a horse campground, day-use parking area, designated trailhead, and (for ride-on users only, no vehicle or trailer access) where a designated horse trail intersects a public road.

Access from an adjacent private property is allowed only if the following conditions are met:

1. The access is made a designated public trailhead for all horse users where the landowner either:
 - a. accepts, in writing, liability for public access through the landowner's property; or
 - b. grants a recreational access easement to the DNR.
2. The development of the access is not otherwise inconsistent with this information bulletin and is consistent with the property plan for horse trail management.

F. Multiple Use and Single Use Trails

A recreational trail on a DNR property shall be designated for hiker only, horse and hiker, or an otherwise identified special use. The designation shall be based on natural resource, recreation, and maintenance considerations. As provided in [312 IAC 8-2-6](#), a person shall not use a horse except on an area or trail designated for this purpose.

G. Daily or Annual Horse Tag

~~Between April 1 and November 30,~~ A person with a horse that is driven, ridden, brought, or transported onto a DNR property must possess an annual or daily horse tag or receipt. The tag or receipt must be possessed by the person and made available for inspection upon request. The cost of any horse tag shall be established by the director within a range of fees for this purpose approved by the commission. The tag or receipt is valid only on a DNR property where horse use is an approved activity. A horse tag or receipt does not authorize entrance if a facility is filled to capacity or is closed.

H. Special Event Ride

The DNR may authorize a special event ride where the following conditions are met:

1. The event is limited in size so as not to exceed the specified equine carrying capacity of the facility.
2. The property manager issues a written permit with appropriate conditions and a deposit fee.
3. The property manager preapproves the use of any trail or facility.
4. The permit holder agrees to comply with the permit, this information bulletin, and [312 IAC 8](#).

I. Evaluation of Suitability of DNR Property for Horseback Trail Riding

The division that manages a DNR property is responsible for determining whether horseback trail riding is an approved activity on the property. The determination shall be based on the mission of the division and the environmental impact, with the benefit of public input.

A DNR property that would support less than 10 miles of horse trails under the trail density standards is not suitable for horseback trail riding. A DNR property that would support at least 10 but less than 20 miles of trails may be considered for day-use but is not suitable for a horse campground.

The DNR shall not add a new or expand an existing horse facility unless each of the following is satisfied:

1. The current horse use facilities on the property satisfy the "DNR Horse Trail and Horse Campground Standards Manual".
2. Adequate funding is available to assure proper operation and maintenance of the current and proposed new facilities.
3. The need is established for additional facilities.

J. Safety

The following standards apply to the promotion of public safety:

1. A person shall not ride at night on a horse trail section that is a public road.
2. Use of a public road for a horse trail shall be limited to where another trail routing is not feasible. The DNR shall minimize the use of a public road for a horse trail.
3. During a hunting season, a property manager may close a horse trail to riding or may close an area with a horse trail to hunting. The DNR shall conspicuously sign any such closure.
4. When not being ridden, a person must lead a horse by halter or reins or must confine a horse in an approved corral or trailer. Unless a property manager grants written permission, a person must not use a portable corral or an electric fence and must confine a horse to the hitching rail pad area of a campsite. An electric fence must have visible identification and must use battery-powered or solar energizers and wide electric polytape wire.
5. A person must keep a horse at a flat walk within a horse campground or a day-use parking area.
6. The DNR may require a person with an unruly horse, which is causing a disturbance or safety hazard, to remove the horse from the DNR property. [312 IAC 8-2-6\(b\)](#).

K. Volunteers and Donations

The DNR shall actively pursue programs with individuals or groups that wish to volunteer services or donate funds or materials to improve facilities on a DNR property. Volunteer services and donations shall be used only within a structured program approved by the division and consistent with this information bulletin and the approved uses of a property. Whenever practicable, a structured program shall be developed jointly by the property employees and the volunteers. The program shall focus on bringing an existing facility to current standards before considering expansion or the creation of a new trail or facility. For each program, the property manager will define in writing any special privileges or conditions that may be accorded to volunteers.

L. Concessionaires

A person must not engage in a concession or other business, except as approved by the DNR. [312 IAC 8-2-14\(b\)](#). This restriction applies to the on-site rental of horses for use on a DNR property.

M. Education

When practicable, the DNR shall provide users with information on the impacts of recreational use, methods of minimizing negative impacts, trail ethics, and natural resource information.

N. Property Closures

A division director may temporarily close a DNR property to horse use. The department director may permanently close a DNR property to horse use. The closure would be based on resource protection, public input, and public safety.

With approval of the immediate supervisor, a property manager may temporarily or permanently close an individual trail, segment of a trail, or other facility on a DNR property. The closure may be for maintenance, inclement weather to prevent trail damage, because a trail cannot be brought to current standards, rotational to allow recovery from damage, or to protect ecologically sensitive areas. All closures shall be accompanied by efforts to minimize the negative impacts on the recreational opportunities of all users.

Appendix A

Overview of Trail Density and Equine Carrying Capacity

The decision to establish minimum trail density and maximum equine carrying capacity as part of the policy for "Horses on DNR Properties" was based on two factors. First, the long term observations of many resource managers indicate that at certain times in certain locations, horse use caused ecologically unacceptable changes in the natural resources. Second, many recreational horse users believed that crowding and frequent contact among users caused a diminished recreational experience. Trail density was established with a concentric, two-tiered design. High density areas are defined as encompassing an area of state-owned land, excluding special concern areas, within a one mile radius of a horse campground or designated horse day use parking area. The high density maximum of 4.5 miles of trail per 640 acres reflects a management decision to assign horse use a somewhat higher status in relation to other uses in these areas. A density in excess of 4.5 miles per 640 acres would not allow the necessary latitude for trail design and location to prevent unacceptable changes in natural resources. Low trail density areas are defined as those areas of state-owned land, excluding special concern areas, that lie outside the high density areas. The low density maximum of 2.5 miles of trail per 640 acres reflects that horse use is only one of many uses on most properties. The low density maximum also indicates the dispersion factor as the trails move farther from high density areas.

These trail density figures coincide with the upper limits of trail density proposed by the United States Forest Service for the Hoosier National Forest. These trail density guidelines may need to be altered in the future if this level of use produces unacceptable changes, or if research data shows over time that additional use would not cause unacceptable impacts.

The Equine Carrying Capacity of a property is here derived from the miles of trail available for riding. The number of horses allowed per mile of trail is a function of two different factors. The first is the physical impact each horse has on the natural resources. These include soil, water, vegetation, and similar resources. The second is the frequency with which riders wish to encounter each other on the trail. The physical impact of each horse on natural resources is dependent on many different factors. Included are weather, slope, soil type, trail condition, and similar factors. These are not yet well quantified; however, it has been observed that those trail systems that routinely have several riders per mile per day show substantial impacts.

Results from the trail riding respondents to the 1993 Horse Use Opinion Survey indicated they rode an average of about eight miles a day, and a majority preferred to encounter five or fewer other groups during the ride. The average group size was from two to six people. To accommodate this number of encounters would require somewhat less than one group per mile of trail. Ten horses per mile of trail would be the maximum to provide the desired recreational opportunity. As with trail density, the carrying capacities may need to be adjusted in the future after additional information is collected.